

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Repealer)

5 703 KAR 4:041. Repeal of 703 KAR 4:040.

6 RELATES TO: KRS 158.030, 158.031, 158.6451

7 STATUTORY AUTHORITY: KRS 156.070, 156.160, 158.031

8 NECESSITY, FUNCTION, AND CONFORMITY: This is to repeal 703 KAR 4:040, Interim

9 methods for verifying successful completion of the primary program. The regulation was

10 promulgated in 1993 as an interim administrative regulation. Since that time, the General

11 Assembly enacted KRS 158.031 providing different requirements related to primary programs.

12 Pursuant to KRS 158.031, 704 KAR 3:440, Primary school program guidelines, now governs the

13 requirements of primary school programs. Therefore, 703 KAR 4:040 is neither applicable nor

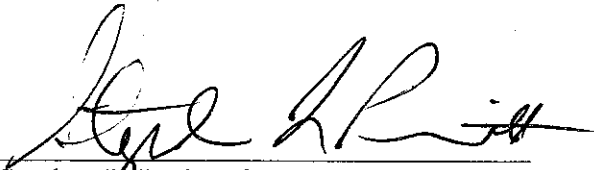
14 necessary.

15 Section 1. 703 KAR 4:040, Interim methods for verifying successful completion of the primary

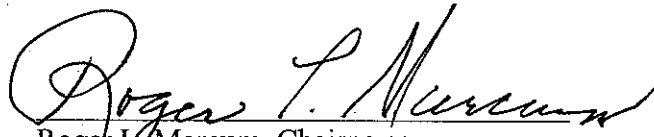
16 program, is hereby repealed.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

6-15-16
(Date)


Stephen W. Pruitt, Ph.D.
Commissioner of Education

6-15-16
(Date)


Roger L. Marcum, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on July 22, 2016, at 10am in the State Board Room, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through close of business August 1, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 703 KAR 4:041

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: Repeals administrative regulation 703 KAR 4:040, which set forth interim methods for verifying successful completion of the primary program. Primary program requirements are now set forth in 704 KAR 3:440 pursuant to the authority in KRS 158.031.

(b) The necessity of this administrative regulation: This regulation will repeal the outdated interim methods for verifying successful completion of the primary program.

(c) How this administrative regulation conforms to the content of the authorizing statute: The repealing administrative regulation conforms to the authority given to the agency in KRS 156.070 and KRS 156.160.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will repeal the outdated regulation setting forth interim requirements for verifying successful completion of the primary program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not Applicable.

(b) The necessity of the amendment to this administrative regulation: Not Applicable.

(c) How the amendment conforms to the content of the authorizing statute: Not Applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not Applicable.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local school districts, students enrolled in Kentucky primary schools, and the Kentucky Department of Education.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost is associated with the repeal of this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): With repeal of 703 KAR 4:040, certified personnel, school districts and the public will not be confused by conflicting regulations or authority regarding successful completion of primary school programs.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost

(b) On a continuing basis: No cost

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established by this administrative regulation.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 703 KAR 4:041
Contact Person: Kevin C. Brown
Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will repeal 703 KAR 4:040 which sets forth interim methods for verifying successful completion of the primary program. It will impact local districts, students enrolled in Kentucky public primary schools, and the Kentucky Department of Education.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070, KRS 156.160 and KRS 158.031.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue.

(c) How much will it cost to administer this program for the first year? No cost of administration.

(d) How much will it cost to administer this program for subsequent years? No cost of administration.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: Regulation does not generate revenue or establish fees.